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10/22/2023 5:00:06

United States Court of Washington

Ronald Keith Middlebrooks Jr.

23-cv-5314-JNW-MLP

Plaintiff

FL0.01-1 complaint in an action to enjoin enforcement of prison regulations restricting Attorney-client conferences & alleging civil rights violations

VS

Pierce County Judicial System

Defense

1. Subject matter jurisdiction is conferred upon this court by the provision of 28 U.S.C. § 1333 & 1331

2. Here provided is an affidavit of the allegations & the case law to support the reason & report of violation

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WESTERN DISTRICT OF WASHINGTON
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(Affadavit)

It is said that the omnibus hearing is a procedural right & not a constitutional one

but because the omnibus hearing effect multiple constitutional libertys citing omnibus rule 4.5

(i) ensure the standards regarding provision of counsel have been complied with

and that standard is (effective counsel)
& amendment & 14 amendment

as well as omnibus 4.5

(iv) as certain, whether there are any (procedural) or (constitutional) issues which should be considered

and if procedural issues effect constitutional terms, citing

Arnett v Kennedy 410 US 314

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The view misconceives the origin of the right to procedural due process (The right is conferred not by legislative grace, but by Constitutional guarantee) while the legislature may elect not to confer a property (or liberty) interest once conferred with appropriate procedural safe guards cases have consistently recognized the adequacy of statutory created property (or liberty) interest must be analyzed by constitutional terms.

Not covid terms or the interpretation of procedural safeties established by the court but by constitutional terms, simply because the County feels that they have implemented safeguards that do not diminish constitutional law citing Logan v Zimmerman
Brash CO 455

HN3 Because minimum procedural requirements are a matter of federal law they are not diminished by the fact that state may have specified its own procedures that it may deem adequate for determining the preconditions to oversee official action

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as well as Rose v Village of peninsula
839 F Supp 517

HN7

One of the rights in a substantive components of the fourteenth amendment guarantees of due process of law is the Freedom from physical restraint Reno v Flores 123 L ed 2d 1. 16

and because were being restrained to attend the omnibus hearing that the very language demand presence of defense to voice on record a opportunity to contest or object to the waiver in procedural system in pierce county is trully citing omnibus rule 4.5

(F) Record A. Verbatim record (electronic mechanical or otherwise) shall be made of all proceeding at the hearing

The right to fair trial, the right to effective counsel, the right to speedy trial, The substantive value of procedural

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Due process the constitutional rights the omnibus hearing by very definition demands defendants presence

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omnibus - covering all important points

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important - having great meaning or lasting effect

hearing - an opportunity to be heard, on appearance before a judge

In Holden v Hardy 169 US 366 389

the necessity of due notice & an opportunity of being heard is described as among the immutable principles of justice which in here in the very idea of free government which (no member of the union may disregard) and Mr. Justice Field in an earlier case Galpin v Page 18 wall 350 368-369 said that the rule that no one shall be personally bound until he has had his day in court was as old as the law & it meant that he (must be cited to appear & afforded an opportunity to be heard) judgement.

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and because motions are heard & submitted at an omnibus hearing & those decisions are binding in a trial citing

9.06 Washington Criminal Law

The rule expressly states that failure to raise or give notice of an issue of which the party concerned has knowledge may constitute waiver of such error or issue

and these include procedural issues & constitutional ones as cited above in omnibus rule that effect our right to a fair trial in the substantive component to fundamental fairness citing Rose v Village of peninsula 839 F Supp 517

HN7 acknowledging the existence of a fundamental freedom from physical restraint in a substantive due process inquiry. This freedom is central to the 14 amendments intent to prevent government from abusing its power or employing it as an instrument of oppression Davidson v Cannon 474 US 344

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without such citation & opportunity wants all the attributes of a judicial determination. It is judicial usurpation & oppression & can never be upheld where justice is justly administered

in closing whether if covid educated ability to comprehend law or desire to exercise liberty right, fact is the constitutional covers these & the absence of defense in a omnibus settings that plainly address procedural & Constitution protects & violates the procedural rights to due process in which substantive fairness is taken for lack of better words judicial murder citing Holden v Hardy 169 US 366 389

let us suppose the extreme case of a prisoner charged with a capital offense who is deaf & dumb, illiterate & feeble minded unable to employ counsel with the whole power of the state arrayed against him (prosecuted by counsel) for the state without assignment of counsel (* effective counsel *) for his defense tried convicted sentenced

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to death such a result, which, if carried into execution would be little short of judicial murder, it cannot be doubted would be a gross violation of the guarantee of due process of law & we venture to think that no appellate court, state or Federal would hesitate so to decide.

There is no good reason for the violation of procedural due process which is federal law & violations of substantive fairness & constitutional right, even in the prime of covid to violate the right of simple presence & right to be heard when procedural safeguards such as

The acts of Pierce County violated the eighth amendment, fourteenth amendment due process clause, equal protection clause & sixth amendment right to effective counsel

The defendant is seeking 10 million in damages from beginning of covid till now

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April 5, 2023
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TACOMA WA 983
OLYMPIA WA
6 APR 2023 PM 3 L

Inmate Name Ronald Keith Middlebrooks Jr.
Booking Number 2023-125000
Pierce County Sheriff's Department
910 Tacoma Ave S
TACOMA WA 98402-2104

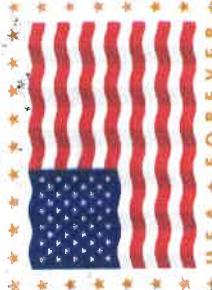
United States District Court
700 Stewart St Suite 2310
Seattle WA 98101

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